



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lawrence R. Fontaine et al. Confirmation No.: 4178

Serial No.: 09/727,744 Examiner: Aimee J. Li

Filed: December 1, 2000 Group Art Unit: 2183

For: CONDITION INDICATOR FOR USE BY A CONDITIONAL BRANCH
INSTRUCTION (AMENDED)

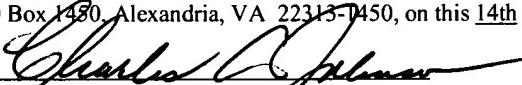
Docket No.: RA 5312K2 (1028.1132101)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: MS Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 14th day of August, 2006.

By: 
Charles A. Johnson

The Examiner's Statement of Reasons for Allowance accompanying the Notice of Allowability mailed on June 15, 2006 does not appear to be very concise. With respect to claims 1 and 10, the Examiner attempts to summarize the "essence" of these claims. However, the language used by the Examiner is not necessarily coincident with the claims. In addition, the Examiner did not address independent claims 19 or 27, which do not have many of the elements of claims 1 and 10. The Examiner did not address any of the dependent claims.

The Examiner's statement of Reasons for Allowance implies that the claimed invention was allowed because the prior art did not disclose specific elements. The elements characterized by the Examiner, however, even if found in the prior art, would not render the claimed invention invalid under 35 USC §102 because the claimed invention includes a number of limitations not

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addressed in the Reasons for Allowance. With respect to 35 USC §103, the requirements of establishing a *prima facie* case of obviousness including (1) a showing that the prior art teaches the entire claimed invention where all limitations are to be considered, and (2) that combining various prior art references is (a) suggested in the art and (b) there would be motivation to make the combination, with a likelihood of success, have not been satisfied.

The Examiner did state that claims 1, 3-10 and 12-27 are allowed over the prior art of record. Therefore, the Examiner must have concluded that the claims as allowed, and not necessarily as summarized in, or implied by, the Examiner's Statement of Reasons for Allowance, are patentable over the art of record.

Unless otherwise advised, these comments are intended, to be clarifying in a manner consistent with the law.

Applicant respectfully request clarification if the Examiner does not agree with this statement.

Respectfully submitted,

Lawrence R. Fontaine et al.

By their attorney,



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